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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,329	12/14/2001	Richard Norris Dodge II	16184	4952

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EXAMINER

KIDWELL, MICHELE M

ART UNIT PAPER NUMBER

3761

DATE MAILED: 09/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,329

Applicant(s)

DODGE ET AL.

Examiner

Michele Kidwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wanek et al. (US 5,466,513).

With respect to claim 1, Wanek et al. (hereinafter Wanek) discloses a nonwoven material for personal care products comprising superabsorbent fibers in an amount of at least 40 weight percent (col. 6, line 49 to col. 7, line 22) and binder in an amount of between 10 and 60 weight percent (4, lines 24 – 29) in a Z-directionally oriented web as set forth in col. 11, lines 15 – 23.

With respect to claim 2, Wanek discloses the binder as synthetic bicomponent fibers as set forth in col. 4, lines 8 – 20.

As to claim 3, Wanek discloses the nonwoven further comprising natural fibers in an amount of at most 40 weight percent as set forth in col. 4, lines 29 – 36.

With reference to claim 4, Wanek discloses the nonwoven comprising synthetic polymeric fibers selected from the listed group as set forth in col. 3, lines 35 – 43.

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Regarding claims 5 – 9 and 13 – 17, Wanek discloses the material used in the claimed applications as set forth in col. 8, lines 20 – 23.

As to claim 10, Wanek discloses a nonwoven material for personal care products comprising superabsorbent fibers in an amount of at least 50 weight percent (col. 6, line 49 to col. 7, line 22), polypropylene/polyethylene bicomponent fiber in an amount of at least 20 weight percent (col. 4, lines 8 – 29), in a Z-directionally oriented web as set forth in col. 11, lines 15 – 23.

With reference to claim 11, Wanek discloses the nonwoven further comprising natural, hydrophilic fibers as set forth in col. 5, line 62 to col. 6, line 16.

As to claim 12, Wanek discloses the natural fiber being selected from the listed group as set forth in col. 5, lines 55 – 61.

With respect to claim 18, Wanek discloses a nonwoven material for personal care products comprising superabsorbent fibers in an amount of at least 60 weight percent (col. 6, line 49 to col. 7, line 22), polypropylene/polyethylene bicomponent fiber in an amount of at least 30 weight percent (col. 4, lines 8 – 29), and rayon fibers (col. 5, lines 55 – 61) in a Z-directionally oriented web as set forth in col. 11, lines 15 – 23.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Kellenberger (US 5,147,343).

As to claim 19, Kellenberger discloses a nonwoven material for personal care products comprising a Z-directionally oriented web (col. 11, lines 61 – 66) having an intake rate at 50% saturation of at least 7 cc/s and a capacity of at least 4 g/g as set forth in col. 11, lines 14 – 34. Kellenberger discloses that a total volume of 60 ml has

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been absorbed by the material (100% saturation) at 12cc/s with a total capacity of 9 g/g.

In view of this, it is inherently implied that at 50% saturation, a total of 30ml would have been absorbed by the material at 12 cc/s with a total capacity of 4.5 g/g.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellenberger (US 5,147,343).

The difference between Kellenberger and claims 20 – 21 is the provision that the material has a capacity of at least 6g/g and 10g/g, respectively.

Kellenberger teaches a material having a capacity of at least 4g/g as set forth in the rejection of claim 19.

It would have been obvious to one of ordinary skill in the art to modify the capacity since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only a level of ordinary skill in the art.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wanek et al. (US 5,466,513) and further in view of Kellenberger (US 5,147,343).

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The difference between Wanek and claim 22 is the provision that the web has an intake rate at 50% saturation of at least 7 cc/s and a capacity of at least 4 g/g.

Kellenberg teaches a web having an intake rate at 50% saturation of at least 7 cc/s and a capacity of at least 4 g/g as set forth in the rejection of claim 19.

It would have been obvious to one of ordinary skill in the art to modify the web of Wanek to provide the claimed intake rate because the claimed intake rate provides the web with the ability to rapidly imbibe multiple fluid surges which significantly improves the performance of the composite as taught by Kellenberger in col. 7, lines 11 – 14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 703-308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Michele Kidwell
August 31, 2003


WEILUN LO
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